

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**DOUGLAS I. HORNSBY, Administrator of
the Estate of CYNTHIA GARY,**

Plaintiff,

v.

**UNITED STATES OF AMERICA,
METRO MACHINE CORP., d/b/a
GENERAL DYNAMICS NASSCO-
NORFOLK, HARBOR INDUSTRIAL
SERVICES, INC., et al.**

Defendants.

Civil No: 2:22-cv-427-RBS-LRL

**KD SHIPYARD REPAIRS, LLC’S
MOTION TO DISMISS**

Defendant KD Shipyard Repairs, LLC (“KDSR”), by counsel, hereby moves this Court to dismiss Plaintiff’s Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted. In support thereof, KDSR files an accompanying Memorandum in Support.

Dated: April 28, 2023

KD SHIPYARD REPAIRS, LLC

By: /s/ James L. Chapman, IV
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CERTIFICATE OF SERVICE

I certify that on this 28th day of April 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a “Notice of Electronic Filing” to all counsel of record who have consented to electronic service.

/s/ James L. Chapman, IV

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